

Crimes; other; alteration of certain records; prohibit under certain circumstances.

CRIMES: Other; BUSINESSES: Other; RECORDS: Other

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 483a (MCL 750.483a), as added by 2000  
PA 451.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 483a. (1) A person shall not do any of the following:

2       (a) Withhold or refuse to produce any testimony, informa-  
3       tion, document, or thing after the court has ordered it to be  
4       produced following a hearing.

5       (b) Prevent or attempt to prevent through the unlawful use  
6       of physical force another person from reporting a crime committed  
7       or attempted by another person.

8       (c) ALTER, DESTROY, MUTILATE, CONCEAL, COVER UP, FALSIFY, OR  
9       MAKE A FALSE ENTRY IN ANY RECORD, DOCUMENT, OR TANGIBLE OBJECT  
10       WITH THE INTENT TO IMPEDE, OBSTRUCT, OR INFLUENCE THE

1 INVESTIGATION OR PROPER ADMINISTRATION OF ANY MATTER WITHIN THE  
2 JURISDICTION OF ANY DEPARTMENT OR AGENCY OF THE STATE OF  
3 MICHIGAN, OR IN RELATION TO OR CONTEMPLATION OF THAT MATTER.

4 (D) ~~-(c)-~~ Retaliate or attempt to retaliate against another  
5 person for having reported or attempted to report a crime commit-  
6 ted or attempted by another person. As used in this subsection,  
7 "retaliate" means to do any of the following:

8 (i) Commit or attempt to commit a crime against any person.

9 (ii) Threaten to kill or injure any person or threaten to  
10 cause property damage.

11 (2) A person who violates subsection (1) is guilty of a  
12 crime as follows:

13 (a) Except as provided in subdivision (b), the person is  
14 guilty of a misdemeanor punishable by imprisonment for not more  
15 than 1 year or a fine of not more than \$1,000.00, or both.

16 (b) If the violation involves committing or attempting to  
17 commit a crime or a threat to kill or injure any person or to  
18 cause property damage, the person is guilty of a felony punish-  
19 able by imprisonment for not more than 10 years or a fine of not  
20 more than \$20,000.00, or both.

21 (3) A person shall not do any of the following:

22 (a) Give, offer to give, or promise anything of value to any  
23 person to influence a person's statement to a police officer con-  
24 ducting a lawful investigation of a crime or the presentation of  
25 evidence to a police officer conducting a lawful investigation of  
26 a crime.

1           (b) Threaten or intimidate any person to influence a  
2 person's statement to a police officer conducting a lawful  
3 investigation of a crime or the presentation of evidence to a  
4 police officer conducting a lawful investigation of a crime.

5           (4) A person who violates subsection (3) is guilty of a  
6 crime as follows:

7           (a) Except as provided in subdivision (b), the person is  
8 guilty of a misdemeanor punishable by imprisonment for not more  
9 than 1 year or a fine of not more than \$1,000.00, or both.

10          (b) If the violation involves committing or attempting to  
11 commit a crime or a threat to kill or injure any person or to  
12 cause property damage, the person is guilty of a felony punish-  
13 able by imprisonment for not more than 10 years or a fine of not  
14 more than \$20,000.00, or both.

15          (5) A person shall not do any of the following:

16          (a) Knowingly and intentionally remove, alter, conceal,  
17 destroy, or otherwise tamper with evidence to be offered in a  
18 present or future official proceeding.

19          (b) Offer evidence at an official proceeding that he or she  
20 recklessly disregards as false.

21          (6) A person who violates subsection (5) is guilty of a  
22 crime as follows:

23          (a) Except as provided in subdivision (b), the person is  
24 guilty of a felony punishable by imprisonment for not more than 4  
25 years or a fine of not more than \$5,000.00, or both.

26          (b) If the violation is committed in a criminal case for  
27 which the maximum term of imprisonment for the violation is more

1 than 10 years, or the violation is punishable by imprisonment for  
2 life or any term of years, the person is guilty of a felony pun-  
3 ishable by imprisonment for not more than 10 years or a fine of  
4 not more than \$20,000.00, or both.

5 (7) It is an affirmative defense under subsection (3), for  
6 which the defendant has the burden of proof by a preponderance of  
7 the evidence, that the conduct consisted solely of lawful conduct  
8 and that the defendant's sole intention was to encourage, induce,  
9 or cause the other person to provide a statement or evidence  
10 truthfully.

11 (8) Subsections (1)(a), (3)(b), and (5)(b) do not apply to  
12 any of the following:

13 (a) The lawful conduct of an attorney in the performance of  
14 his or her duties, such as advising a client.

15 (b) The lawful conduct or communications of a person as per-  
16 mitted by statute or other lawful privilege.

17 (9) This section does not prohibit a person from being  
18 charged with, convicted of, or punished for any other violation  
19 of law arising out of the same transaction as the violation of  
20 this section.

21 (10) The court may order a term of imprisonment imposed for  
22 a violation of this section to be served consecutively to a term  
23 of imprisonment imposed for any other crime including any other  
24 violation of law arising out of the same transaction as the vio-  
25 lation of this section.

26 (11) As used in this section:

1       (a) "Official proceeding" means a proceeding heard before a  
2 legislative, judicial, administrative, or other governmental  
3 agency or official authorized to hear evidence under oath,  
4 including a referee, prosecuting attorney, hearing examiner, com-  
5 missioner, notary, or other person taking testimony or deposition  
6 in that proceeding.

7       (b) "Threaten or intimidate" does not mean a communication  
8 regarding the otherwise lawful access to courts or other branches  
9 of government, such as the lawful filing of any civil action or  
10 police report of which the purpose is not to harass the other  
11 person in violation of section 2907 of the revised judicature act  
12 of 1961, 1961 PA 236, MCL 600.2907.